

SCOTT N. SCHOOLS (SC 9990)
 United States Attorney
 JOANN M. SWANSON (CSBN 88143)
 Chief, Civil Division
 MELANIE L. PROCTOR (CSBN 228971)
 Melanie.Proctor@usdoj.gov
 Assistant United States Attorney

 450 Golden Gate Avenue, Box 36055
 San Francisco, California 94102-3495
 Telephone: (415) 436-6730
 FAX: (415) 436-6927

Attorneys for Defendants

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

LYDIA PACHECO,)	No. C07-3988 MHP
)	
Plaintiff,)	
)	
v.)	JOINT CASE MANAGEMENT
)	STATEMENT
UNITED STATES POSTAL SERVICE,)	
)	
Defendants.)	

1. Jurisdiction and Service: Defendant asserts that the Court lacks jurisdiction because Plaintiff's claim arises out of a cause of action for which the United States has not waived sovereign immunity, 28 U.S.C. § 2680. Plaintiff filed a small claims suit in the Alameda County Small Claims Court. On August 2, 2007, the United States Attorney's Office removed the case to federal district court.

2. Facts: On or about July 16, 2007, the United States Postal Service ("USPS") received Plaintiff Lydia Pacheco's small claims complaint, HS07332366, naming the USPS as Defendant. In Block 3 of her form complaint, Plaintiff alleged that Defendant owes her \$7,500 because lost mail resulted in her defaulting on property taxes owed in Florida. The U.S. Attorney's Office removed the complaint on August 2, 2007. To date, the USPS has received no claim forms or writings

1 containing a sum certain demand from Plaintiff.

2 3. Legal Issues: The principal dispute is whether the Court has jurisdiction over the subject
3 matter of this action.

4 4. Motions: Defendants filed a motion to dismiss and supporting declarations on
5 August 27, 2007, with a October 9, 2007 hearing date. Plaintiff subsequently declined magistrate
6 jurisdiction; upon reassignment of this action, Defendant renoticed the motion for an
7 October 29, 2007 hearing date. Plaintiff has not opposed the motion.

8 5. Amendment of Pleadings: None.

9 6. Evidence Preservation: None.

10 7. Disclosures: None to date. The parties stipulate to delay initial disclosures until after the
11 Court rules on the Motion to Dismiss.

12 8. Discovery: The parties stipulate to delay discovery until the Court rules on the Motion
13 to Dismiss.

14 9. Class Actions: Not applicable.

15 10. Related Cases: None.

16 11. Relief: Plaintiff asks the Court to award \$7,500 in damages.

17 12. Settlement and ADR: The parties filed a Joint Request to Be Exempt From Formal ADR
18 on October 16, 2007.

19 13. Consent to Magistrate Judge for All Purposes: Plaintiff did not consent to assignment
20 of this case to a United States Magistrate Judge.

21 14. Other References: None.

22 15. Narrowing of Issues: None.

23 16. Expedited Schedule: None.

24 17. Scheduling: Defendant's Motion to Dismiss will be heard on October 29, 2007.

25 18. Trial: Should the Court deny Defendant's Motion, the parties will request a trial date.

26 19. Disclosure of Non-party Interested Entities or Persons: None.

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20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter: None.

Dated: October 22, 2007

Respectfully submitted,

SCOTT N. SCHOOLS
United States Attorney

/s/
MELANIE L. PROCTOR¹
Assistant United States Attorney
Attorneys for Defendants

Dated: October 19, 2007

/s/
LYDIA PACHECO
Pro Se

CASE MANAGEMENT ORDER

The Joint Case Management Statement and Proposed Order are hereby adopted by the Court as the Case Management Order for the case, and the parties are ordered to comply with this Order.

Date:

MARILYN H. PATEL
United States District Judge

¹I, Melanie L. Proctor, hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/S/) within this efiled document.